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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHERR, CRISTINA O

ART UNIT PAPER NUMBER

3621

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/457,839

Applicant(s)

BUI, HONG Q

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-39, 41, 42, 44-52, 60-64 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-39, 41, 42, 44-52, 60-64 and 66-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. In view of the appeal brief filed on August 4, 2005, PROSECUTION IS HEREBY REOPENED. Claims 36-39, 41, 42, 44-52, 60-64 and 66-69 are currently pending in this case.

2. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

3. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Response to Arguments

4. Applicant's arguments with respect to claims 36-39, 41, 42, 44-52, 60-64 and 66-69 36-39, 41, 42, 44-52, 60-64 and 66-69 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 36-39, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster (US 6,322,134, prov. Appl. 60/162,651). Please note that for purposes of this rejection, cites to Foster are to the provisional application, a copy of which is included with this action.

7. Regarding claims 36-39, 41-42, and 66 –

Foster teaches a server-side system, 3rd party-transaction system called CardFort. Instead of sending the merchant the credit card information, this system sends the merchant information to the credit card issuer. However, this system still reads on claim 36 in the following way. The consumer registers with the “CardFort” server (residing with the financial institution) including credit card account and shipping address. All merchants who accept “CardFort” payments have a button at the website at checkout. If the consumer selects this option, the merchant sends purchase to either the consumer (who forwards it to the financial institution) or directly to the financial institution. If the purchase is authorized, the CardFort system sends the merchant the consumer's shipping information and the product is shipped as indicated in the consumer information. Purchase history is stored on all three servers (consumer, merchant, financial institution). (e.g. pg 1 ln 30 – pg 3 ln 2). It would be obvious to one of ordinary skill in the art to adapt the teachings of foster to obtain the present invention.

8. Claims 44-45 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (US 6,092,053) in view of Linehan (US 6,327,578).

9. Boesch teaches a server-side wallet system that stores consumer information

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and sends it to a merchant to allow processing. It stores purchase history as a profile to be used for customized web pages and targeted marketing. (e.g. col 2 ln 21 – col 4 ln 54).

10. Lineham discloses a registering consumer information including the consumer's credit card number with a wallet system (i.e. the issue gateway) and the issuer gateway sends the consumer's credit card reference number to the merchant who uses it to finish the purchase transaction. This reference also teaches the advantages of storing all transaction histories on the wallet server (i.e. issuer gateway). (e.g. col 3 ln 66 – col 4 ln 57).

11. It would be obvious to one of ordinary skill in the art to combine the teaching of Boesch and Lineham in order to obtain greater security with greater ease for the user in the processing of online transactions.

12. Claims 46-52 and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katis (US 6,601,761).

13. Regarding claims 46-52, 53-59 and 60-64 –

14. Katis discloses an electronic wallet server that is co-branded. The co-branding is not significant for the purposes of this application. The consumer registers consumer information including payment information in the wallet server. The consumer selects to pay with wallet system and consumer's information is sent to the merchant. (e.g. col 1 ln 63-67, and col 2 ln 8 – col 4 ln 31). This reference does not specifically state that a purchase history is kept. However, official notice is taken that considering this system

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also has rewards issued, and considering that all transaction systems keep purchase history, it would be either inherent or obvious over the teaching.

15. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shella Lane S.
PRIMARY EXAMINER

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